

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Attorney Docket No. 2005\_0712A  
Kojiro KAWASAKI et al. : **Confirmation No. 4119**  
Serial No. 10/533,585 : Group Art Unit 2621  
Filed January 11, 2006 : Examiner Daniel T. Tekle  
RECORDING AND PLAYBACK : **Mail Stop: ISSUE FEE**  
APPARATUS AND METHOD

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**REQUEST FOR ISSUANCE OF RESPONSE TO RULE 312 COMMUNICATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

An Amendment under 37 CFR 1.312 was filed on March 9, 2010 in order to correct minor typographical errors in the Examiner's Amendment which was included in the Notice of Allowability dated December 9, 2009. In this regard, as explained in the remarks section of the Amendment filed on March 9, 2010, the Examiner agreed to enter the changes that were being made to the claims.

In response to the Amendment filed on March 9, 2010, the Examiner issued a Notice of Allowability dated April 5, 2010, in which it was indicated that the Notice of Allowability is responsive to the Amendment filed on March 9, 2010, and that the allowed claims are 1, 2, 7-10, 12, 13 and 18-27. Applicants note, however, that there was no explicit indication in the Notice of Allowability that the Amendment filed on March 9, 2010 was entered.

In this regard, Applicants note that MPEP 714.16(d) explicitly states that an amendment under 37 CFR 1.312 is "promptly considered by the examiner who indicates whether or not its entry is recommended by writing "Enter - 312," "Do Not Enter" or "Enter In Part" thereon in red ink in the upper left corner", and that for "IFW processing, the examiner should print the first page of the amendment and write either "Enter - 312" or "Do Not Enter" in the upper left corner, and have the page scanned into IFW with the appropriate document code" (emphasis added). In

addition, MPEP 714.16(d) also states that “[i]f the amendment is favorably considered, it is entered and a Response to Rule 312 Communication (PTO-271) is prepared” (emphasis added).

Thus, rather than issuing the Notice of Allowability on April 5, 2010, the Examiner should have written “Enter - 312” on the first page of the Amendment filed on March 9, 2010, and had the page scanned into IFW, and should have also issued a Response to Rule 312 Communication (Form PTO-271) indicating that the Amendment filed on March 9, 2010 has been entered.

In this regard, with respect to the entry of the Amendment filed on March 9, 2010, it is noted that Applicants’ representative contacted the Examiner by telephone on April 16, 2010 to discuss this issue, and the Examiner informed Applicants’ representative that the Amendment filed on March 9, 2010 has been entered.

In order to clarify the record, however, Applicants kindly request that the Examiner follow the procedures set forth in MPEP 714.16(d), as explained above. In particular, Applicants kindly request that the Examiner issue a Response to Rule 312 Communication indicating that the Amendment filed on March 9, 2010 has been entered, and also have the first page of the Amendment scanned into IFW with the phrase “Enter - 312” written thereon.

If the Examiner has any questions, Applicants kindly request that the Examiner contact the undersigned at the telephone number listed below.

Respectfully submitted,

Kojiro KAWASAKI et al.

/Kenneth W. Fields/

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April 22, 2010